

10/695,879

REMARKS

Attached is an Information Disclosure Statement which makes of record three (3) references which the Applicant is aware.

The drawings are amended, per the attached Submission, to overcome a few noted informalities contained therein, i.e., to enter reference numeral 46 in Fig. 2D and delete reference numeral 34 in Fig. 3. With respect to missing reference numerals 36, 44 and 48, the Examiner's attention is directed to paragraph [043], line 3, paragraph [036], second to the last line and paragraph [037], line 5, respectively, where the missing reference numerals are referred to in the specification. In view of this, it is not believed necessary to amend either the specification or the drawings with respect to reference numerals 36, 44 and 48.

New formal drawings, incorporating the requested amendments, will follow once the requested drawing amendments are approved by the Examiner. If any further amendment to the drawings of this application is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Claims 1-21 and 24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 1, 2, 5 and 14 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Marker '597 in view of Barrett '378. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant thanks the Examiner for indicating that claims 3, 4, 6-13 and 15-24 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, the subject matter of claims 13 and 21,

respectively, is incorporated into independent claims 1 and 14 and those amended independent claims are now believed to be allowable. As claims 2-12, 24 and 25 all depend, either directly or indirectly, from independent claim 1, and as claims 15-19, 21 and 26 all depend from independent claim 14, all of those dependent claims are believed to be allowable as well.

Lastly, the allowable subject matter of 22 is suitably revised, as noted above, and independent claim 22, as well as dependent claim 23, are both now believed to be allowable as well.

With respect to the applied Barker `597 reference, this citation relates to a complicated system and method for packaging shaped charges 12. In particular, a shielding panel 22 is disposed between the shaped charges 12 and the first and second layers. In any event, this reference does not appear to be particularly relevant to gunpowder, especially dried gunpowder having a moisture of less than 5% by weight or placing a plurality of tubes within a repeatedly resealable transport container, as presently recited. In addition, the dependent claims recited further limitations which further distinguish the presently claimed invention from the art of record, including Barker `597.

The Applicant acknowledges that the additional reference of Barrett `378 may arguable related to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Barker `597 with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

With respect to each one of the three newly cited Rodney references, it is noted that each of these references merely relates to a portable container that facilitates quick loading of a preloaded charge. These references are completely silent with respect to placing one or more of these preloaded charges within a moisture tight container or loading the portable container with dried gunpowder having a moisture content of less than 5% by weight to facilitate reliability ignition of the gun powder, as presently claimed.

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If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

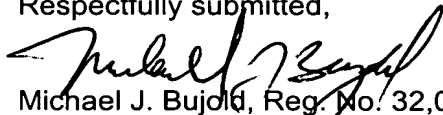
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Marker `597 and/or Barrett `378 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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